

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954) 797-1101

PREPARED BY: David M. Abramson, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 2-4-05, Ashley Furniture at Muvico, 15451 Sheridan Street / Generally located at the northwest corner of Interstate-75 and Sheridan Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: V 2-4-05, Ashley Furniture at Muvico, 15451 Sheridan Street

REPORT IN BRIEF:

This request is for a variance from §12-242(B)(1)(b), which provides that wall signage may be provided not to exceed a maximum of two (2) square feet per lineal foot of building frontage at the street right-of-way to a maximum of 150 square feet of total sign area. The petitioner is requesting authorization to place several signs on three (3) exterior walls that have a total sign area of 1208 square feet.

The intent of the Land Development Code's 150 square foot size limitation for signage on single occupant buildings is for structures to be created so that they are recognized by their design, or use; rather than be identified by signage or serve as an advertising device for the occupant.

The east side of the building is fronting I-75, while the south and west sides are fronting Sheridan Shoppes at Muvico. The following signs on three (3) exterior walls are proposed:

Westside

1) "Sign 1B" = 226 Square Feet

2) "Sign 2B" = 100 Square Feet

Eastside

1) "Sign 3B" = 419 Square Feet

2) "Sign 4B" = 68 Square Feet

Southside

1) "Sign 5B" = 226 Square Feet

Total Sign Square Footage = 1,039 Square Feet

If this building were multi-tenant, then two (2) square feet of signage per each lineal foot of the building's longest storefront would be allowable. The longest storefront is approximately 264', which would permit 528 square feet of signage. The variance request is for 1,208 square feet of wall signage. However, according to the exhibits, the total signage area is 1,039 square feet, a 169 square foot difference. Staff recommends that the request be reduced to at least the specific amount of signage being proposed in the exhibits.

It is believed that the proposed wall signage is proportional to the building, and the request is consistent with previously approved variances within the Sheridan Shoppes.

PREVIOUS ACTIONS: None

CONCURRENCES: At the May 11, 2005 Planning and Zoning Board Meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve V 2-4-05 Ashley Furniture. (Motion carried 3-2, Vice Chair Turin and Ms. Lee dissented. Ms. Lee requested a photometric plan.)

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Planning Report, Justification, Future Land Use Plan Map, Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Advance Business Associates 3 /
City Furniture, DBA Ashley Furniture Home Store
Address: 6701 Hiatus Road
City: Tamarac, Florida, 33321
Phone: (954) 597-2200

Background Information

Date of Notification: May 4, 2005 Number of Notices: 12

P & Z Board

Recommendations: At the May 11, 2005 Planning and Zoning Board Meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve V 2-4-05 Ashley Furniture. (Motion carried 3-2, Vice Chair Turin and Ms. Lee denied)

Application History: N/A

Application Request: Variance **FROM:** §12-242(B)(1)(b), which provides that wall signage may be provided not to exceed a maximum of two (2) square feet per lineal foot of building frontage at the street right-of-way to a maximum of 150 square feet of total sign area; **TO:** allow several signs that have a total sign area of 1208 square feet.

Address/Location: 15451 Sheridan Street / generally located at the northwest corner of Interstate-75 and Sheridan Street

**Future Land
Use Plan Map:** Commercial

Zoning: PUD-5 (Broward County), Ivanhoe Planned Unit Development

Existing/Proposed Use: Parking Lot / 34,137 square foot furniture store

Net Parcel Size: The subject parcel is the building footprint of 21,234 square feet. The applicant is also modify approximately 2.53 acres (110,400 square feet) including landscaping, parking and drive aisles.

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Canal and Vacant	Residential 3 DU/ AC
South:	Sheridan Street Westbound Ramp	Transportation
East:	I - 75	Transportation
West:	Canal	Town Limits-Southwest Ranches

	<u>Surrounding Zoning:</u>
North:	PUD-5 (County), Ivanhoe Planned Unit Development, and U, Utilities
South:	T, Transportation
East:	T, Transportation
West:	Town limits

Zoning History

Related Zoning History:

On August 15, 1980, Broward County approved Ordinance No. 80-76 to rezone the Ivanhoe Development to PUD Planned Unit Development.

Concurrent Requests on same property:

Site Plan Modification (SP 4-6-04), This site plan modification is pending on the approval of SP 4-7-04 / Ashley Furniture.

Previous Requests on same property:

On February 19, 1986, the Town Council approved Resolution No. R-86-34 for a pre-annexation agreement between Ivanhoe and the Town of Davie. The Town and the owners agreed that Broward County Ordinance No. 80-76 shall remain in full force and effect. However, the Town and owners agreed that Ivanhoe shall be governed by the Town of Davie sign regulations. This agreement expires on February 19, 2006.

On September 9, 1989, the County Commission approved the plat, Britannia, for 247,384 square feet of commercial use and 150 townhouses/multi-family units on Parcel A.

Delegation Request (DG 9-1-97), On March, 1998, the County Commission approved a delegation request to amend the note to eliminate the residential use from the plat, remove the "lake" designation from Parcel C and redistribute the 247,384 square feet of commercial use on Parcels A, B, and C.

Site Plan (MSP 12-4-97), On January 21, 1998, the Town Council approved this master site plan for the construction of a 93,963 square feet movie theater, three retail sites, a restaurant court, 10.2 acre lake, and 1,780 parking spaces.

Variance Request (V 7-1-98), On October 7, 1998, the Town Council approved this variance to increase the height of three (3) ground signs from 25 feet to 50 feet, increase the area of two (2) ground signs from 100 square feet to 260.5 square feet for each ground sign, and increase the sign area of one ground sign from 100 square feet to 270 square feet. The variance was approved with conditions providing no signs on the walls of the six out parcel properties that would face east towards Interstate 75, and eliminating location #2 for the additional request sign.

Vest Rights Determination, In the Memo dated December 17, 1998, the Town Attorney Barry Webber interpreted that the property owner had established a vested rights claim to rely on the approval given by the Town regarding roof signs attached to the Muvico building under Broward County Code. In addition, the property owner established vested rights with regard to freestanding signage as approved by variance granted by the Town Council under Broward County Code.

Site Plan Modification (SP 6-10-99), On July 27, 1999, the Site Plan Committee approved a site plan modification amending the master sign plan for the existing Muvico Theaters.

Variance Request (V 12-2-02), On June 04, 2003, the Town Council approved a variance to increase the height of a freestanding sign from 15 feet to 35 feet; to increase the area from 160 square feet to 223 square feet; to increase the signage of each tenant from 2 square feet of signage per lineal foot of tenant storefront façade length to 4 square feet per lineal foot; and to allow wall signs facing I-75).

Site Plan Modification (SP 12-2-02), On June 04, 2003, the Town Council approved a site plan modification for additions to the existing Muvico Theaters, new construction of three (3) restaurant buildings, and a shopping center, Sheridan Shoppes, containing three (3) retail buildings.

Site Plan Modification (SP 3-10-04), On March 30, 2004, the Planning and Zoning Division approved a site plan modification with the addition of a T.G.I.F. Friday to the existing Muvico Theater site.

Site Plan (SP 4-7-04), On July 14, 2004, Town Council approved a site plan application for Ashley Furniture at the Muvico Theater Complex (15601 Sheridan Street, Davie).

Applicable Codes and Ordinances

§12-242. Sign performance standards. (B) *Wall Signs*:

(1) *Maximum sign size for wall, fascia and awning or canopy signs*. The maximum sign size is expressed in terms of square feet and relates to the maximum sign area that may be devoted to

a particular business, notwithstanding the number or combination of wall, fascia, awning or canopy signs. Where a building has more than one (1) street frontage or a tenant has more than one (1) storefront facade, the larger of the two (2) shall be used to determine the total amount of permitted signage.

(b) Single-Occupant Buildings: Signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of building frontage at the street right-of-way to a maximum of one hundred fifty (150) square feet of total sign area. Office and/or industrial buildings where there are multiple tenants that do not have individual separate entrances to the exterior of the building shall be considered single-tenant buildings for the application of these standards.

Comprehensive Plan Considerations

Planning Area: The subject site is located in Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 117.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

This request is for a variance from the Land Development Code from §12-242(B)(1)(b), which provides that wall signage on single occupant buildings may be provided not to exceed a maximum of two (2) square feet per lineal foot of building frontage at the street right-of-way to a maximum of 150 square feet of total sign area to allow several signs that have a total sign area of 1,208 square feet.

Staff Analysis

The intent of the Land Development Code's 150 square foot size limitation for signage on single occupant buildings is for structures to be created so that they are recognized by their design, or use; rather than be identified by signage or serve as an advertising device for the occupant.

The east side of the building is fronting I-75, while the south and west sides are fronting Sheridan Shoppes at Muvico. The following signs on three (3) exterior walls are proposed:

Westside

- 1) "Sign 1B" = 226 Square Feet
- 2) "Sign 2B" = 100 Square Feet

Eastside

- 3) "Sign 3B" = 419 Square Feet
- 4) "Sign 4B" = 68 Square Feet

Southside

- 1) "Sign 5B" = 226 Square Feet

Total Sign Square Footage = 1,039 Square Feet

If this building were multi-tenant, then two (2) square feet of signage per each lineal foot of the building's longest storefront would be allowable. The longest storefront is approximately 264', which would permit 528 square feet of signage. The variance request is for 1,208 square feet of wall signage. However, according to the exhibits, the total signage area is 1,039 square feet, a 169 square foot difference. Staff recommends that the request be reduced to at least the specific amount of signage being proposed in the exhibits.

It is believed that the proposed wall signage is proportional to the building, and the request is consistent with previously approved variances within the Sheridan Shoppes.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought;

The building is located approximately 500' west of I-75 and is buffered by a lake and landscaping. In addition, the building is also approximately 1300' north of Sheridan Street and buffered by Sheridan Shoppes. It appears that the signage allowable by the Code is not adequate to identify a business of this type at this location.

which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district;

The Sheridan Shoppes at Muvico in the same commercial complex has requested and was granted a variance relating to signage. This request allowed an increase to signage of each tenant to four (4) square feet per lineal foot of storefront facade length in order to allow each tenant have signage on both front and back facades at the maximum allowable size.

and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variances are sought;

Without an increase in signage area the building will be more difficult to identify from I-75 and Sheridan Street.

and that alleged hardship is self-created by any person having an interest in the property.

The variance request is created by the owner's need to identify the business and the services provided from the adjacent roadway.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

This property can be reasonably used with a single occupant building that has only 150 square feet in signage; however the request is the minimum needed by the owner to identify this furniture store.

- (c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. The granting of a variance to allow the signage area to be increased on this structure will not be detrimental to the adjacent properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration, with the following recommendation:

1. Reduce the requested amount signage from 1,208 square feet to 1,039 square feet, which is the specific amount shown in the exhibits.

Planning and Zoning Board Recommendation

At the May 11, 2005 Planning and Zoning Board Meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve V 2-4-05 Ashley Furniture. (Motion carried 3-2, Vice Chair Turin and Ms. Lee dissented. Ms. Lee requested a photometric plan.)

Town Council Action

Exhibits

1. Justification Letter
2. Elevations and Three Dimensional Illustrations
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)



February 21, 2005

Marcie Oppenheimer Nolan, AICP
Planning Supervisor
Planning & Zoning Division
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

Dear Ms. Nolan,

Re: Signage Variance – 15451 Sheridan Street, Davie, FL

Advance Business Associates 3, a Real Estate Subsidiary Corporation of City Furniture, is currently building a two-story 36,000 square foot Ashley Furniture HomeStore located at 15451 Sheridan Street in the Sheridan Shoppes at Muvico.

At this time we would like to request a variance to the exterior building sign standards for the above referenced location.

As indicated on the Site Plan (see Exhibit 1) the orientation of the building dictates frontage on three sides. The east side is fronting I-75. The west and south sides are fronting the Sheridan Shoppes at Muvico parking lots.

The building design calls for a total of 604 linear feet of building frontage for the three sides mentioned above. The breakdown is as follows:

- East Side = 250 feet
- West Side = 264 feet
- South Side = 90 feet

The code for Wall Signs for single-occupant buildings states "Signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of building frontage at the street right of way to a maximum of one hundred fifty (150) square feet of total sign area."

If we apply the code requirements to our building, with it's extensive frontage, the proportionality of the size of the sign to the frontage footage is aesthetically significant. The result would be that the sign would seem lost on a large façade. The code would also limit us to signage on only one side of the building frontage (see Exhibits 2, 3 & 4)

We would like to request that the "two (2) square feet of signage per lineal foot of building frontage" requirement be applicable to the entire 604 linear feet of the building frontage identified above. This would provide us with a maximum of 1208 square feet of wall signage.

The variance requested will enable us to provide more proportional wall signage on the three (3) frontage sides of the building (see Exhibits 5, 6 & 7) and will blend easily into the exterior signage that already exists within the Sheridan Shoppes at Muvico.

Thank you for your consideration of this request.

Sincerely,

Keith Koenig
President

Sawgrass Center 6701 N. Hiatus Road Tamarac, Florida 33321 Telephone: (954) 597-2200 Fax: (954) 718-2540

Exhibit 2 (Site Plan)

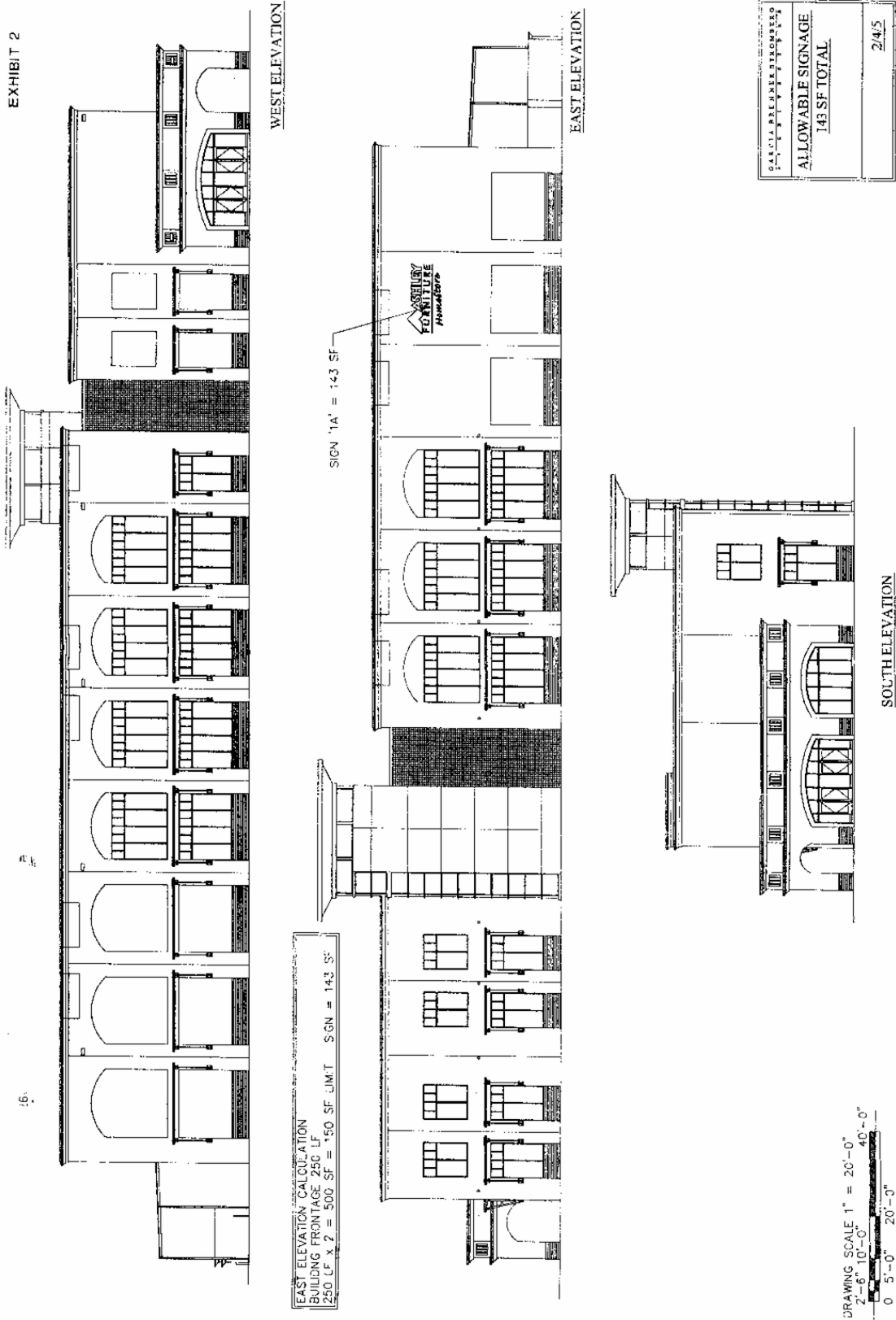


Exhibit 2 (Illustration of Exterior Walls without Signage Variance)

EXHIBIT 3

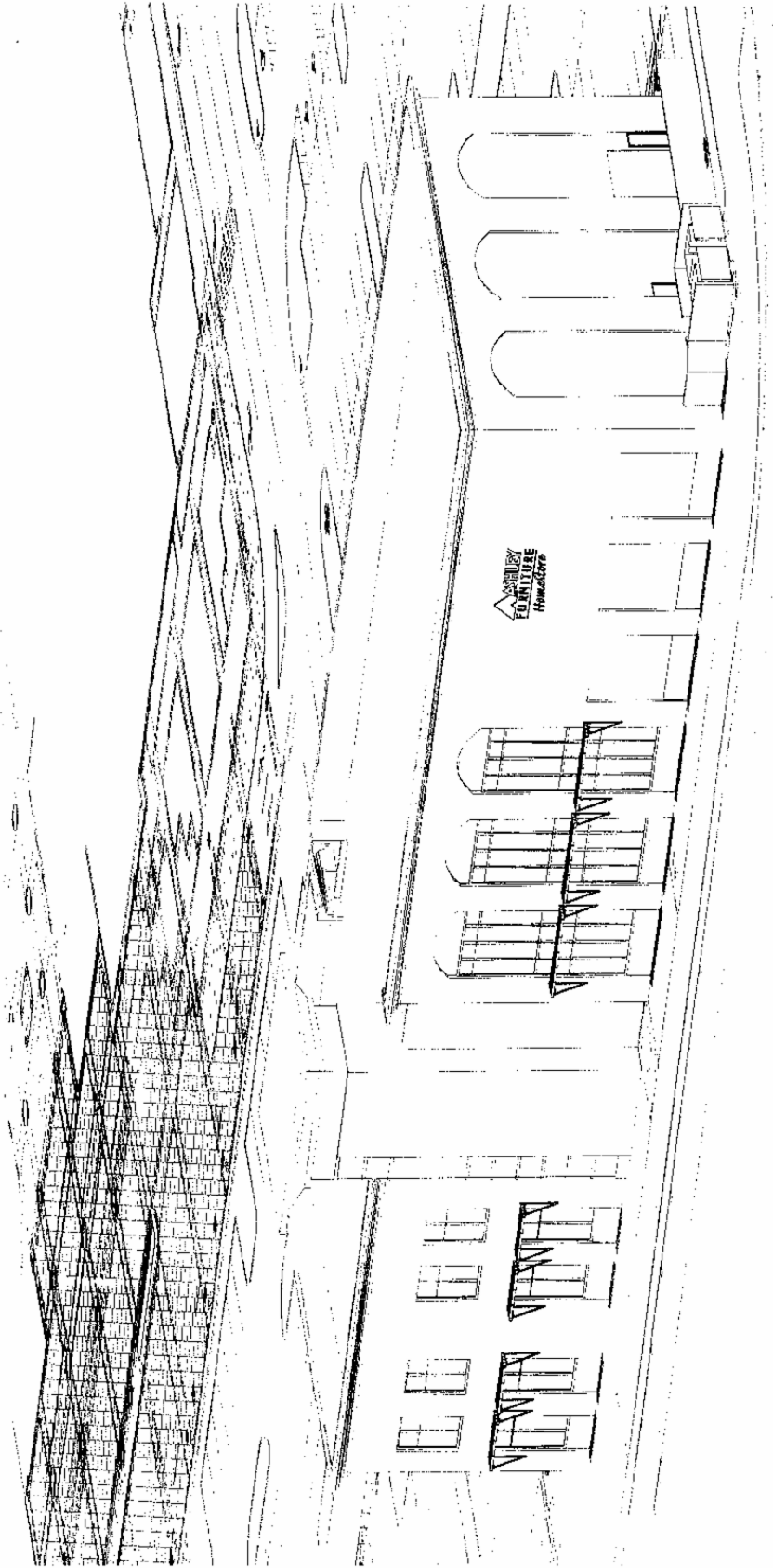


Exhibit 2 (Illustration of Exterior Walls with Signage Variance)

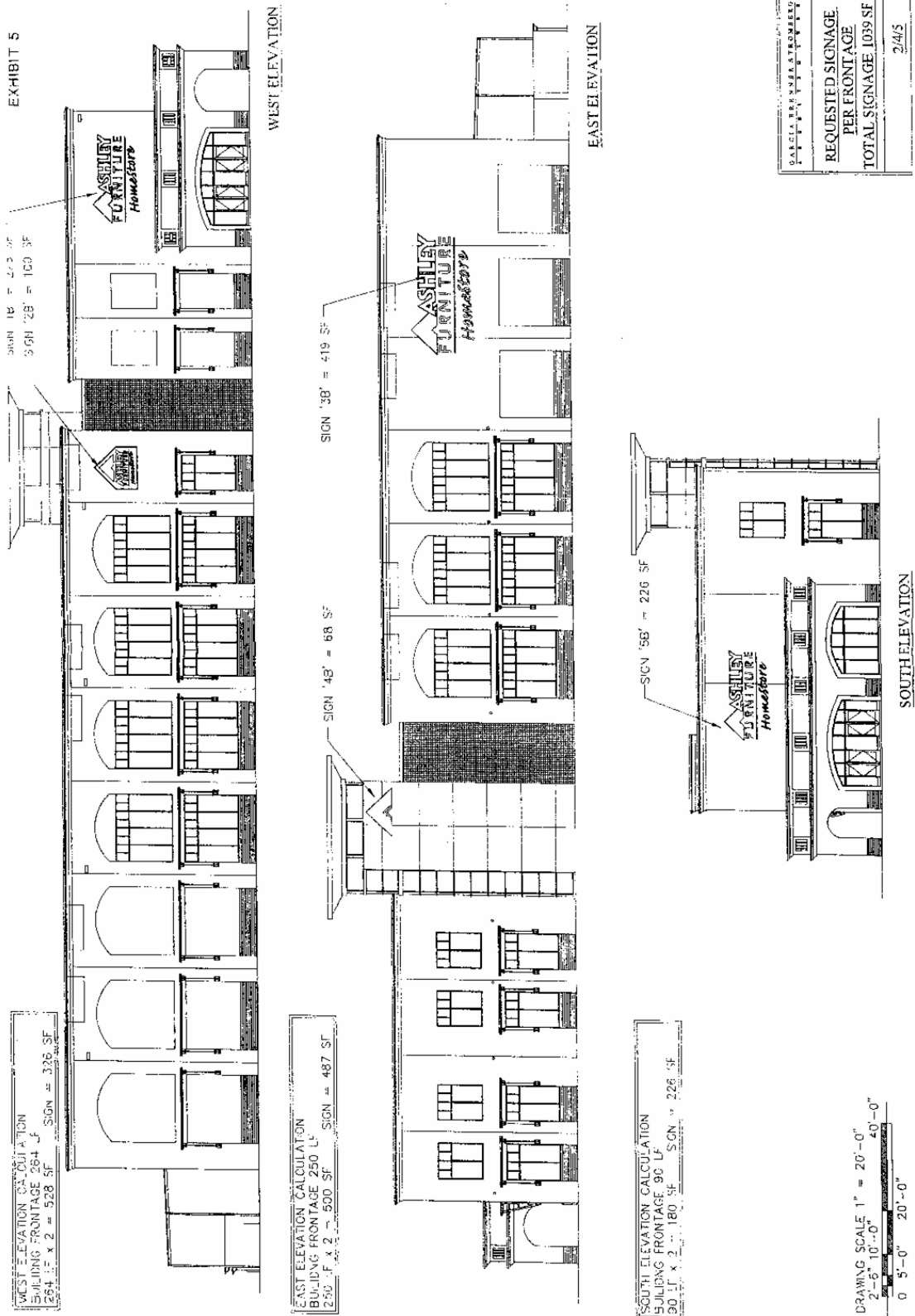


Exhibit 2 (Illustration of Exterior Walls with Signage Variance)



Exhibit 2 (Illustration of Exterior Walls with Signage Variance)

EXHIBIT 6

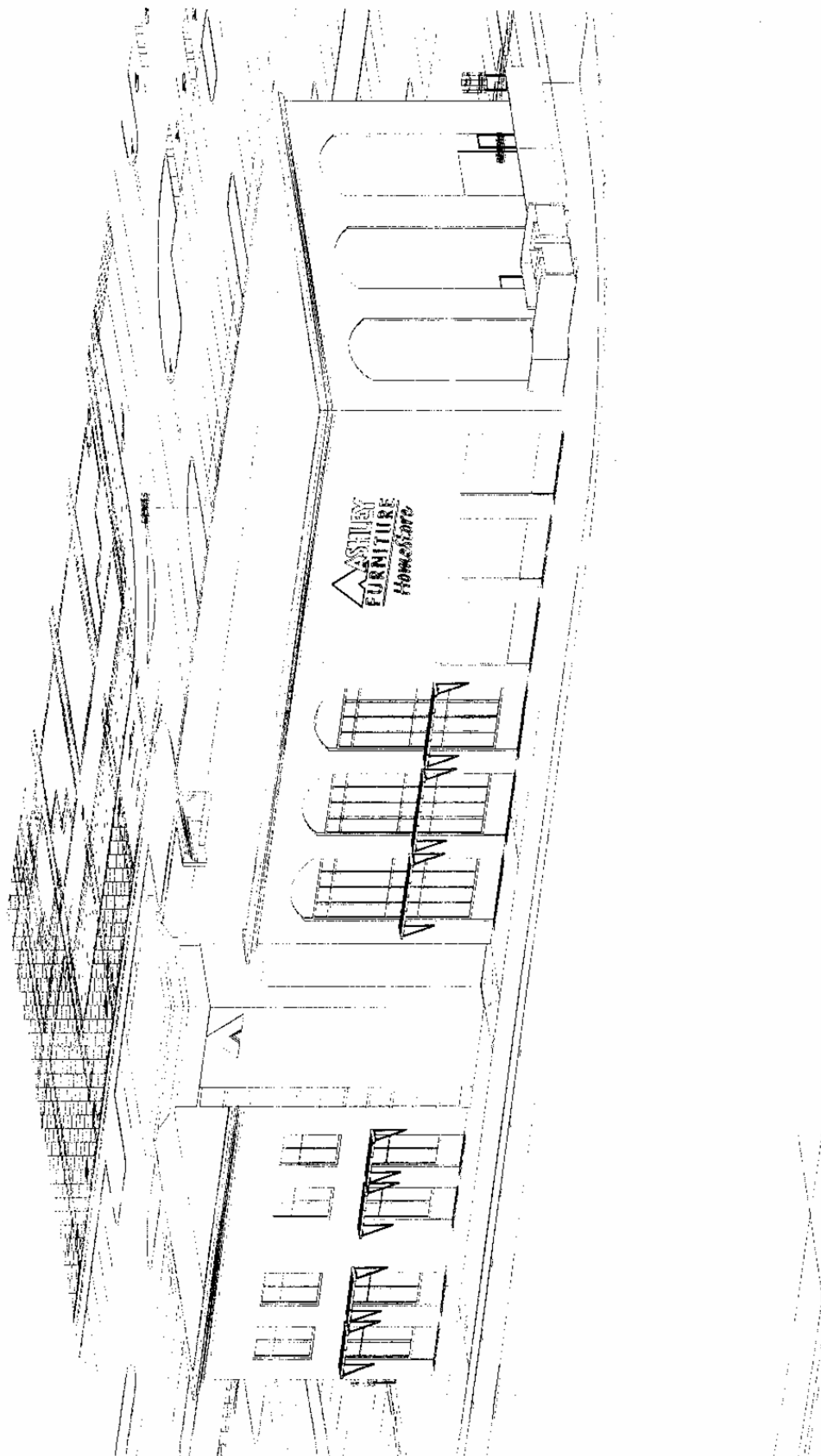
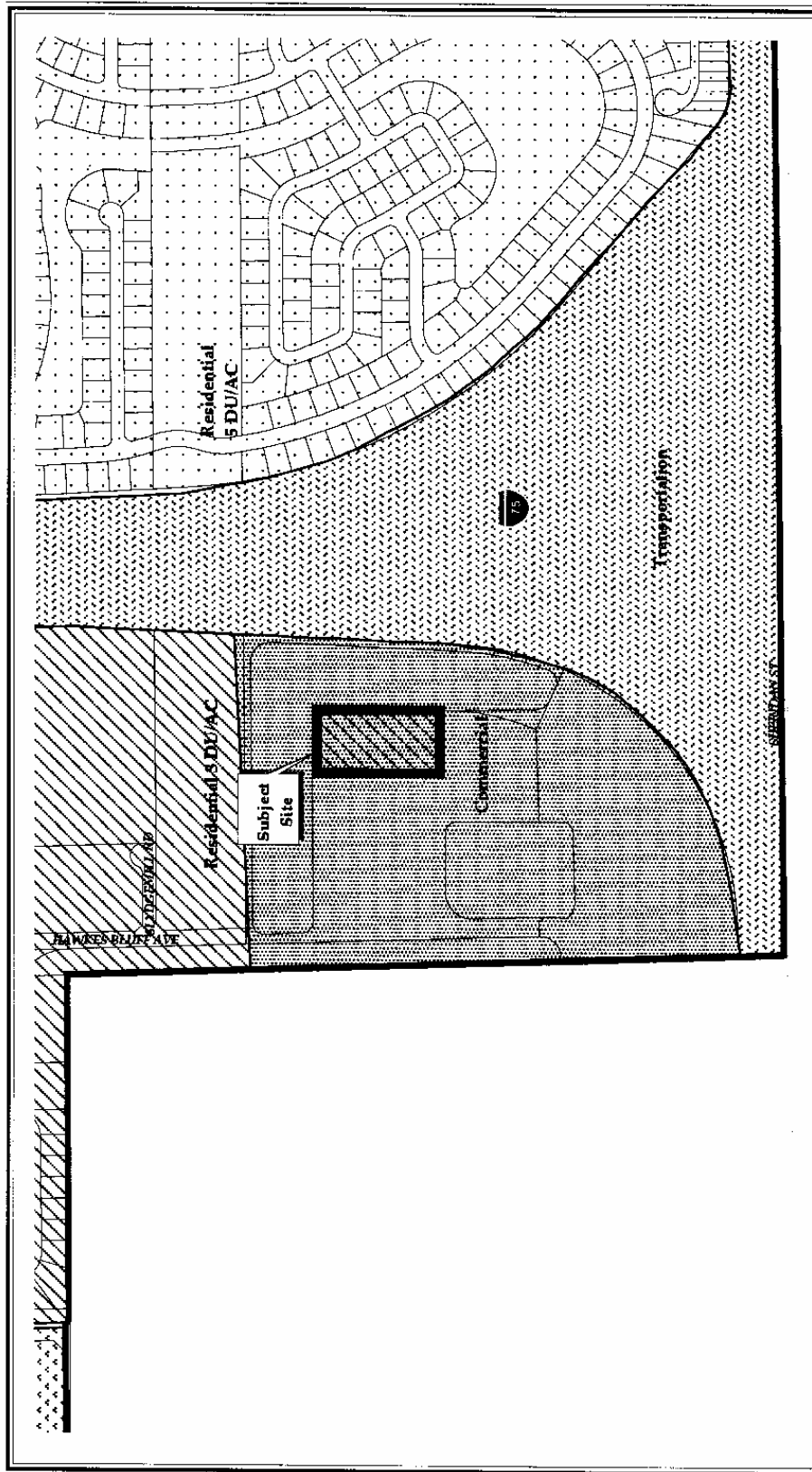


Exhibit 3 (Future Land Use Map)



Variance Application
V 2-4-05, Ashley Furniture
Future Land Use Map

Prepared By: D.M.A.
Date Prepared: 4/27/05



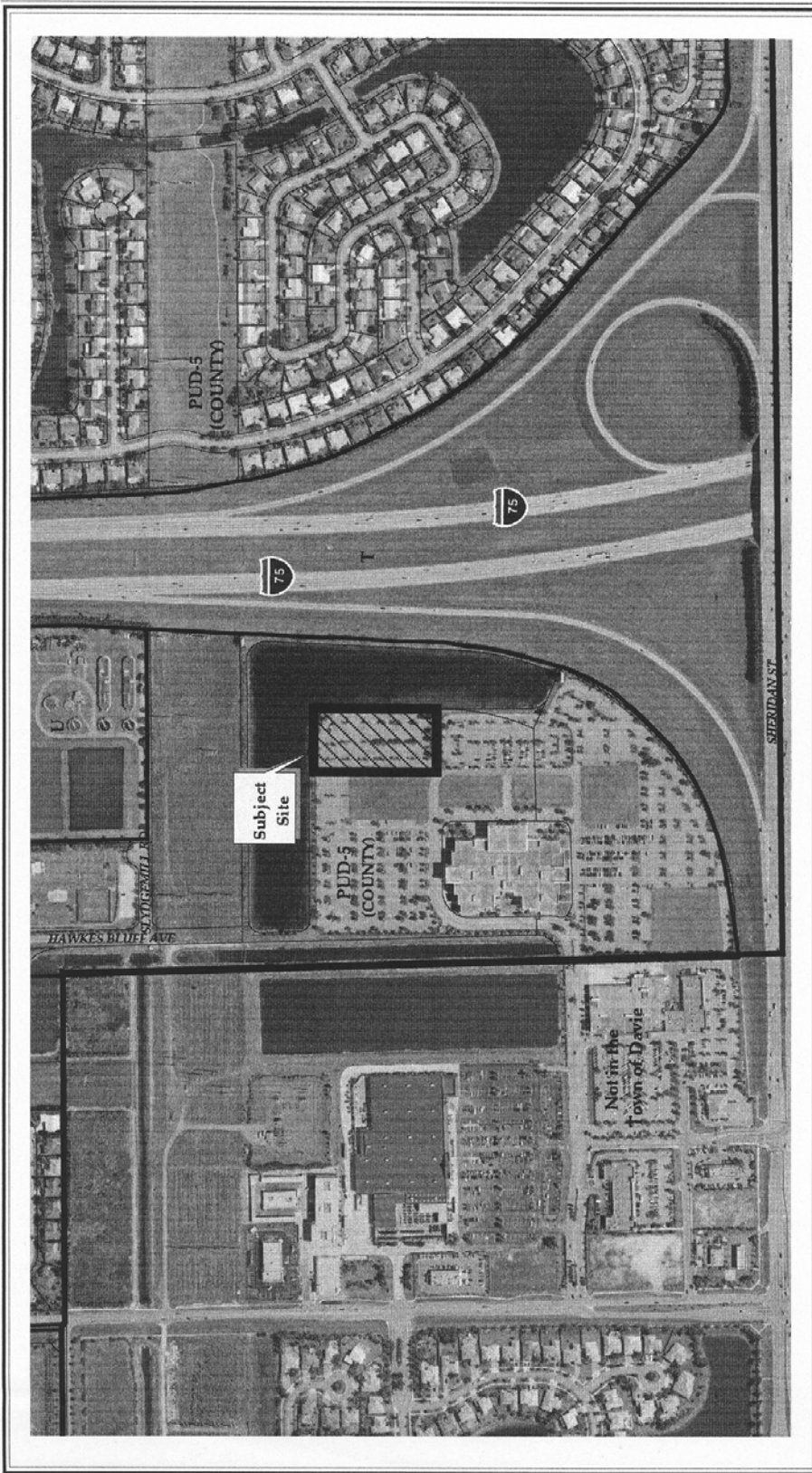
The Town of Davie
Development Service Department
Planning & Zoning Division



500 0 500 Feet

Scale

Exhibit 4 (Aerial, Zoning, and Subject Site Map)



Variance Application
V 2-4-05, Ashley Furniture
Aerial, Zoning, and Subject Site Map

Prepared By: D.M.A.
Date Prepared: 4/27/05



The Town of Davie
Development Service Department
Planning & Zoning Division



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